

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

LISA MULLAN
5593 Primavera Drive
Mentor, Ohio 44060

Plaintiff,

v.

PENSKE AUTOMOTIVE GROUP, INC.
2555 Telegraph Road
Bloomfield Hills, Michigan 48302

and

WHIT RAMONAT
c/o Penske Automotive Group, Inc.
2555 Telegraph Road
Bloomfield Hills, Michigan 48302,

Defendants.

CASE NO. 1:16-CV-2989

JUDGE:

NOTICE OF REMOVAL

NOW COMES Defendants Penske Automotive Group, Inc. ("PAG") and Whit Ramonat ("Ramonat")(jointly "Defendants"), by and through undersigned counsel, and hereby submits this Notice of Removal to the United States District Court for the Northern District of Ohio pursuant to 28 U.S.C. §§1332, 1441 and 1446.

1. Plaintiff Lisa Mullan ("Plaintiff") filed this lawsuit on or about November 7, 2016 in the Court of Common Pleas, Lake County, Ohio, under the caption, *Lisa Mullan v. Penske Automotive Group, Inc., et al.*, Case No. 16CV001883 ("Complaint"). (See Complaint attached hereto as Exhibit A.) Plaintiff asserts claims for gender discrimination, two types of retaliation, and defamation (*See generally, Id.*).

2. Defendants received notice of the Complaint on November 15, 2016 when they were served with a Summons and copy of the Complaint.

3. Thus, this Notice of Removal is being filed within thirty (30) days of November 15, 2016 in compliance with the thirty-day requirement of 28 U.S.C. §1446(b). Defendants have not appeared in this matter in the State Court.

4. "Except as otherwise expressly provided by act of Congress, any civil action brought in State court of which the district courts of the United States have original jurisdiction may be removed by the defendant or the defendants to the district court of the United States for the district and division embracing the place where such action is pending." 28 U.S.C. §1441(a).

5. "The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states." 28 U.S.C. § 1332(a)(1).

6. Removal is permissible on the grounds of diversity jurisdiction because there is complete diversity between Plaintiff and all Defendants. Plaintiff is an Ohio citizen domiciled at 5593 Primavera Drive, Mentor, Ohio 44060. PAG is a Delaware corporation with its principle place of business at 2555 Telegraph Road, Bloomfield Hills, Michigan 48025. Ramonat is a citizen of Michigan domiciled in Bloomfield Hills, Michigan.

7. The amount in controversy in this case exceeds \$75,000 as Plaintiff has prayed for damages "in excess of twenty-five thousand dollars" on each of her four counts set forth in the Complaint, plus punitive damages and attorneys' fees.

8. Diversity jurisdiction exists pursuant to 28 U.S.C. §1332(a)(1).

9. There are no other Defendants named to consent to the removal of this matter.

10. No admission of fact, law, or liability is intended by this Notice of Removal and Defendants expressly reserve any and all rights, claims, defenses, affirmative defenses, and

motions, including without limitation, all jurisdictional, venue, procedural, and substantive defenses.

11. All papers served on Defendants at the time of removal are attached as Exhibit B.¹

12. Pursuant to 28 U.S.C. § 1446(a), this Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

13. Pursuant to 28 U.S.C. §1446(d), this Notice of Removal has been sent to all other parties in this action and will be promptly filed with the Court of Common Pleas, Lake County, Ohio.

Respectfully Submitted,

/s/ Donald C. Bulea

Kerin Lyn Kaminski (0013522)

Donald C. Bulea (0084158)

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***Counsel for Defendants Penske Automotive
Group, Inc. and Whit Ramonat***

¹ While the Complaint caption states that Interrogatories, Requests for Production of Documents and Requests for Admissions were served on PAG, the copy of the Complaint actually served on Defendants did not contain any discovery requests.

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2016 a copy of the foregoing *Notice of Removal* was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system upon the following Parties:

Sarah Honig and Matthew S. Grimsley, Counsel for Plaintiff Lisa Mullan at shonig@groedel-law.com and mgrimsley@groedel-law.com.

/s/ Donald C. Bulea
Donald C. Bulea (0084158)
***Counsel for Defendants Penske Automotive
Group, Inc. and Whit Ramonat***